



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

MAY 01 2013

REPLY TO THE ATTENTION OF:
WC-15J

CERTIFIED MAIL 7009 1680 0000 7678 6492
RETURN RECEIPT REQUESTED

Bill McAdam
President and Chief Executive Officer
Aux Sable Liquid Products, Inc.
6155 East U.S. Route 6
Morris, Illinois 60450

Subject: Notice of Intent to File Civil Administrative Complaint Against Aux Sable Liquid Products, Inc.

Dear Mr. McAdam:

The U. S. Environmental Protection Agency plans to file an administrative complaint for civil penalties against Aux Sable Liquid Products, Inc., pursuant to Section 309(g) of the Clean Water Act (CWA), 33 U.S.C. § 1319. In the complaint, EPA will allege that Aux Sable Liquid Products has violated NPDES Permit No. IL0026662, effluent limits for total suspended solids, iron, biochemical oxygen demand, and fecal coliform.

Based on information currently available to us, we plan to propose a penalty of \$177,500 in the complaint. This letter is not a demand to pay a penalty. We will not ask you to pay a penalty until we file the complaint or a final order. Before filing the complaint, we are giving you the opportunity to present any information that you believe we should consider. Relevant information might include evidence that you did not violate the law; evidence that you relied on compliance assistance from EPA or a state agency; evidence that we identified the wrong party; or financial data bearing on your ability to pay a penalty.

If you believe that you will be unable to pay a \$177,500 penalty because of financial reasons, please send us certified, complete financial statements including balance sheets, income statements and all notes to the financial statements, and your company's signed income tax returns with all schedules and amendments, for the past three years.

You may assert a claim of business confidentiality under 40 C.F.R. Part 2, Subpart B, for any portion of the information you submit to us. Information subject to a business confidentiality claim is available to the public only to the extent allowed by 40 C.F.R. Part 2, Subpart B. If you fail to assert a business confidentiality claim, EPA may make all submitted information available, without further notice, to any member of the public who requests it.

Before filing the complaint, U.S. EPA is extending to Aux Sable Liquid Products the opportunity to resolve this matter by entering into a Consent Agreement and Final Order (CAFO) with issuance of a CAFO by EPA. If Aux Sable Liquid Products wishes to discuss resolving this matter under a CAFO, within 10 calendar days after you receive this letter, please send any written response to:

Donald R. Schwer III
Water Enforcement and Compliance Assurance Branch
Water Division, WC-15J
U.S. EPA Environmental Protection Agency, Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604

and

Peter Felitti
Office of Regional Counsel
U.S. EPA Environmental Protection Agency, Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604


If you want to confer with us, you should contact Donald R. Schwer III of the Water Enforcement and Compliance Assurance Branch, in writing within 10 calendar days after you receive this letter. Please be advised that this conference is not a settlement negotiation covered by Federal Rule of Evidence 408; we may use any information you submit in support of an administrative, civil or criminal action. After the conference (or after you have submitted a written reply if we do not have a conference), we may give you the opportunity to engage in settlement negotiations before we file the complaint. If pre-filing settlement negotiations commence and are successful, a settlement agreement can be filed under EPA regulations at 40 C.F.R. § 22.13(b).

If you do not respond to this letter, EPA may file a complaint without further notice against Aux Sable Liquid Products as authorized under Section 309(g) of CWA, 33 U.S.C. § 1319(g).

If you have any questions, please telephone Peter Felitti, Associate Regional Counsel, at (312) 886-5114.

Thank you for your prompt attention to this matter.

Sincerely,



Tinka G. Hyde
Director, Water Division

cc: Cathy Siders, Illinois EPA

bcc: AO File
Ryan Bahr
Don Schwer
Peter Felitti, ORC